

Varian/Guyton

or levy of the Internal Revenue Service. The amount sought in the Complaint is in excess of \$299,250.00, as treble damages have been alleged, and thus, the amount in controversy exceeds, exclusive of interest and costs, the sum of Seventy-Five Thousand Dollars (\$75,000.00). This action only involves citizens and residents of different states. At the time of the commencement of the action in the Circuit Court of Sevier County, Tennessee, the plaintiff, Jeff Gieringer, represented that he was a resident of Sevier County, Tennessee. The Cincinnati Insurance Company is incorporated and organized under the laws of the State of Ohio, with its principal place of business in Fairfield, Ohio. thus, Cincinnati is a citizen and resident of the State of Ohio for purposes of this Court's "diversity of citizenship" jurisdiction under 28 U. S. C. § 1332.

5. This Court has jurisdiction over the above styled action, pursuant to the provisions of 28 U.S.C. § 1332 and 28 U.S.C. § 123, in as much as the defendant is not a citizen or resident of the State of Tennessee, and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs. Therefore, removal to this Court and Division is proper, pursuant to 28 U. S. C. §1441.

WHEREFORE, The Cincinnati Insurance Company prays that the above-styled action be removed from the Circuit Court of Sevier County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Knoxville Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Parks T. Chastain", is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail.

PARKS T. CHASTAIN

Registration No. 13744

Attorney for Defendant, The Cincinnati
Insurance Companies

**BREWER, KRAUSE, BROOKS,
CHASTAIN & BURROW, PLLC**
P. O. Box 23890
Nashville, TN 37202-3890
(615) 256-8787

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July, 2008, a true and correct copy of the foregoing has been sent, via first-class mail, postage prepaid to:

Terrill L. Adkins, Esquire
Trammell, Adkins & Ward, P.C.
P. O. Box 51450
Knoxville, TN 37950-1450

A handwritten signature in dark ink, appearing to read 'Parks T. Chastain', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

PARKS T. CHASTAIN

PTC:dmt